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Fresno, California

April 6, 1999

The City Council met as the Redevelopment Agency at the hour of 8:45 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Member
	Garry Bredefeld	Member
	Chris Mathys	Member
	Henry Perea	Member
	Sal Quintero	Member
	Ken Steitz	Member
	Dan Ronquillo	Chair

Dan Fitzpatrick, Executive Director
Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

APPROVE AGENCY MINUTES OF MARCH 23, 1999)

On motion of Member Quintero, seconded by Member Mathys, duly carried, RESOLVED, the Agency minutes of March 23, 1999, approved as submitted.

(“A”) RESOLUTION NO. 1513 - AUTHORIZING THE EXECUTIVE DIRECTOR)
TO TRANSMIT TO AFFECTED TAXING ENTITIES THE PRELIMINARY REPORT)
TO THE LEGISLATIVE BODY FOR THE CENTRAL CITY COMMERCIAL REVI-)
TALIZATION REDEVELOPMENT PROJECT)

City Manager Reid stated the fundamental problem was the expansive nature of the project boundaries and lack of focus of a specific project; and advised unless there was a well focused plan, imposition of RDA tools over the wide area could result in greater blight than it intended to alleviate and explained.

Director Fitzpatrick responded to questions of Member Steitz relative to transmittal process, timeline, noticing affected businesses, eminent domain notification, and owner participation agreements (OPA's). Member Steitz stated he would be requesting an amendment to the OPA's to require a unanimous vote for eminent domain action and questioned when he could do so, with Assistant City Attorney Avila stating local entities could not change a state statutory requirement and his office would look into that matter if desired. Member Steitz stated his main concerns were business being clearly notified, unanimous vote for eminent domain action, and blight definitions and boundaries.

Brief discussion ensued on boundaries, utilizing redevelopment tools for economic enhancements, lack of investment in the inner-city, and the importance of timing and being pro-active.

On motion of Member Perea, seconded by Member Boyajian, duly carried, RESOLVED, the above entitled Agency Resolution No. 1513 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Steitz, Ronquillo
Noes : Mathys
Absent : None

(“B”) RESOLUTION NO. 1514 - AUTHORIZING THE EXECUTIVE DIRECTOR)
TO SUBMIT THE “RULES GOVERNING PARTICIPATION BY PROPERTY)
OWNERS AND THE EXTENSION OF REASONABLE PREFERENCES TO)
BUSINESS OCCUPANTS IN THE CENTRAL CITY COMMERCIAL REVITA-)
LIZATION REDEVELOPMENT PROJECT” TO THE PROJECT AREA COMMIT-)
TEE AND THE HOUSING AND COMMUNITY DEVELOPMENT COMMISSION)

City Manager Reid stated, on behalf of the Mayor, his goal was to have policies adopted to have tools to insure that eminent domain would be used as a tool of last resort noting the subject resolution did not include the use of eminent domain as a tool of last resort but was rather expansive in its use and explained.

Chair Ronquillo commented on the issue of eminent domain and clarified there was an extended state sanction on the process which required a super-majority vote at all times. Assistant City Attorney Avila expressed concern with the term and use of eminent domain with the subject and preceding issue clarifying action being requested this date would not cloud title or be a step toward acquiring any private property and explained. Member Steitz stated once the process started, all investments in the subject area would be clouded and this needed to be made clear.

On motion of Member Perea, seconded by Member Bredefeld, duly carried, RESOLVED, the above entitled Agency Resolution No. 1514 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Perea. Quintero, Steitz, Ronquillo
Noes : Mathys
Absent : None

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The Redevelopment Agency adjourned at 9:12 a.m. and the City Council convened in regular session at the hour of 9:13 a.m. with all members present

Pastor Miller, Victory Outreach Church, gave the invocation.

Police Chief Winchester led the Pledge of Allegiance to the Flag.

RESOLUTION IN RECOGNITION OF CESAR E. CHAVEZ - COUNCILMEMBERS)
RONQUILLO, QUINTERO AND PEREA)

Read and presented.

Read and presented.

RESOLUTION OF COMMENDATION TO ST. PAUL'S UNITED METHODIST)
CHURCH - ACTING PRESIDENT MATHYS)

Read and presented.

RESOLUTION OF COMMENDATION TO FIREFIGHTER SPECIALIST JOSE)
GASTELUM - MAYOR PATTERSON)

Read and presented. (2 - 0)

RESOLUTION OF COMMENDATION TO POLICE OFFICER BRIAN STURGEON -)
MAYOR PATTERSON)

Read and presented.

PROCLAMATION OF CHILD ABUSE PREVENTION AND AWARENESS MONTH)

Read and presented.

**Visiting students from Lincoln School were recognized and welcomed.

PROCLAMATION OF SAN JOAQUIN VALLEY MARATHON WEEK)

Read and resented.

PROCLAMATION OF NATIONAL TARTAN DAY)

Read and presented

PROCLAMATION OF INTERNATIONAL BUILDING SAFETY WEEK)

Read and presented.

APPROVE MINUTES OF MARCH 19 AND 23, 1999)

The minutes of March 19 and 23, 1999, approved as submitted

(5D) DIRECT CITY MANAGER OR DESIGNEE TO PROVIDE A REPORT)
 COMPRISED OF A COMPREHENSIVE LIST OF ALL CITY-OWNED)
 PROPERTY, LAND, AND ASSETS; THE REPORT TO INCLUDE A)
 NOTATION AS TO WHETHER EACH LISTED ITEM HAS BEEN)
 ENCUMBERED OR PLEDGED; IF THE ITEM HAS NOT BEEN)
 PLEDGED OR ENCUMBERED, AN INDICATION AS TO WHETHER)
 THE ITEM MAY BE PLEDGED OR ENCUMBERED AND IF NOT, THE)
 BASIS AS TO WHY IT MAY NOT - COUNCILMEMBERS BREDEFELD)
 AND BOYAJIAN (*DISCUSSED AGAIN LATER*))

Councilmember Bredefeld requested the issue be considered along with the 3:00 p.m. item, and in addition, requested the Fire Chief and the President of the Firefighters Association be present to answer questions.

COMMENDATION TO BOB QUESADA, CITY MANAGER'S OFFICE,)
 FOR COORDINATION OF THE JOINT MEETING OF THE BOARD OF)
 SUPERVISORS AND FRESNO AND CLOVIS CITY COUNCILS ON)
 REGIONAL PLANNING - PRESIDENT STEITZ)

Commendation made.

DIRECT STAFF TO SET ON THE APRIL 27TH AGENDA AT 10:30 A.M.:)
 "PLACE MEASURE RELATIVE TO VOLUNTARY WATER METERS)
 ON THE MARCH 2000 BALLOT" - PRESIDENT STEITZ)

Direction made.

COMMENDATION TO COUNCILMEMBER RONQUILLO AND MAYOR)
 PATTERSON ON EFFORTS IN OBTAINING STATE FUNDS FOR)
 FREEWAY 180 WEST - COUNCILMEMBER BOYAJIAN)

Commendation made. Councilmember Ronquillo noted the \$43 million had been up-fronted by the State and would advance the project by seven years.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(1A-2) *RESOLUTION NO. 99-81 - 78TH AMENDMENT TO AAR 98-159)
 APPROPRIATING \$20,000 TO PURCHASE ADDITIONAL RED LIGHT)
 DETECTORS AND SURVEYING EQUIPMENT, AND UNDERTAKE)
 PUBLIC SERVICE ANNOUNCEMENTS)

(1A-4) AWARD A CONTRACT TO ADVANCED TECHNOLOGIES IN THE)
 AMOUNT OF \$119,185.40 FOR INSTALLATION OF SEWER SYSTEM)
 ACCESS STRUCTURES)

(1A-5) REJECT ALL BIDS TO CONSTRUCT WELL SITE IMPROVE-)
 MENTS AT PUMP STATION 2B)

(1A-6) AWARD A CONTRACT TO VULCAN CONSTRUCTION &)
 MAINTENANCE IN THE ESTIMATED AMOUNT OF \$167,167 TO)
 CONSTRUCT WELL SITE IMPROVEMENTS AT PUMP STATION 185)

(1A-8) APPROVE LEASE AMENDMENT NO. 1 TO THE AVIATION)
 BUILDING LEASE AND AGREEMENT WITH C. WAYNE ANDREWS)
 DBA FRESNO AIRPARTS AT THE FRESNO-CHANDLER DOWNTOWN)
 AIRPORT; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION)
 TO EXECUTE THE SUBJECT AMENDMENT ON BEHALF OF THE CITY)

(1A-9) APPROVE AVIATION LAND AND BUILDING LEASE AND)
 AGREEMENT WITH MEMLEY BUILDING COMPANY DBA MEMLEY)
 AVIATION AT THE FRESNO-CHANDLER DOWNTOWN AIRPORT;)
 AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO)
 EXECUTE THE SUBJECT LEASE ON BEHALF OF THE CITY)

(1A-10) PROPOSED APPOINTMENT OF KATHY SEILER TO THE)
 FRESNO-MADERA AREA AGENCY ON AGING BOARD - MAYOR)
 PATTERSON (FOR INTRODUCTION))

(1A-11) APPROVE ACQUISITION OF A 12,874 SQUARE FOOT LOT)
 IDENTIFIED AS FRESNO COUNTY ASSESSOR'S PARCEL 568-170-96)
 FROM CENTEX HOMES FOR A PURCHASE PRICE OF \$45,000; AND)
 AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCU-)
 MENTS NECESSARY TO COMPLETE THE TRANSACTION)

(1A-12) RESOLUTION NO. 99-82 - DEDICATING CERTAIN CITY-)
 OWNED PROPERTY AS AN EASEMENT FOR PUBLIC STREET)
 PURPOSES, PROPERTY LOCATED ON THE NORTHEAST CORNER)
 OF CHESTNUT AND BEHYMER AVENUES)

(1A-14) RESOLUTION NO. 99-83 - APPROVING FINAL MAP AND)

SUBDIVISION AGREEMENT FOR TRACT NO. 4879, PHASE II OF)
VESTING TENTATIVE TRACT NO. 45709/UGM 563, a 67-LOT)
SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON 19.44 ACRES,)
LOCATED ON THE WEST SIDE OF S. SUNNYSIDE AVENUE NORTH)
OF E. CHURCH AVENUE)

(1A-15) RESOLUTION NO. 99-84 - AUTHORIZING AND DIRECTING)
STAFF TO APPLY TO THE STATE OF CALIFORNIA (CALTRANS) FOR)
A PERMIT TO USE A PORTION OF HIGHWAY 180 AND THE FREEWAY)
41 OVERPASS, AND TO EXECUTE RELATED INDEMNITY AND OTHER)
AGREEMENTS, ALL RELATING TO THE ANNUAL CESAR E. CHAVEZ)
CELEBRATIONS)

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

(1B-1) BILL NO. B-20 - AMENDING THE FRESNO MUNICIPAL CODE)
RELATING TO GRAFFITI ABATEMENT AND RECOVERY OF COSTS)
(INITIATED BY COUNCILMEMBER PEREA))

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-20 introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

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DIRECT STAFF TO SET ON THE APRIL 13TH AGENDA AT 4:00 P.M.:)
POLICING OF THE FULTON MALL, TOWER DISTRICT AND CHINA-)
TOWN - COUNCILMEMBER RONQUILLO)

Direction made.

DIRECT STAFF TO SET ON THE MAY 25TH AGENDA AT 4:00 P.M.:)
REPORT FROM FRESNO-MADERA AREA AGENCY ON AGING ON)
THE SENIOR CENTER - COUNCILMEMBER PEREA)

Perea directed staff to set the issue on the May 25th agenda.

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(9:45 A.M.) APPEARANCE BY BARBARA HUNT REQUESTING DONA-)
TIONS FOR AN ALCOHOLISM AND DRUG COUNSELING CENTER)

Appearance made/no action taken.

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(10:00 A.M.) HEARING TO CONSIDER BILLS RELATED TO ADOPTION)
OF TEXT AMENDMENT NO. TA-98-03 PROPOSING CHANGES TO THE)
FRESNO MUNICIPAL CODE RELATING TO CAR WASH FACILITIES)
1. *BILL NO. B-16 - ORDINANCE NO. 99-16 - AMENDING THE FRESNO)
MUNICIPAL CODE RELATING TO CAR WASH FACILITIES)
(*PLANNING COMMISSION RECOMMENDATION*))
2. *BILL NO. B-17 - AMENDING THE FRESNO MUNICIPAL CODE)
RELATING TO CAR WASH FACILITIES (*COUNCIL ALTERNATIVE*))

President Steitz announced the time had arrived to consider the issue and opened the hearing. Planner Beach briefly reviewed the background of the issue stating the alternative ordinance had been discussed with all parties with no complaints, and advised staff was now recommending adoption of alternative B-17.

Speaking to the issue were: George Beal, 5816 E. Shields, representing the car wash industry, support for Bill B-16; and Sterling Swerdout, 1754 E. Bullard., who commented on the success of collaborative efforts.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Mr. Beach responded to questions of Councilmember Bredefeld relative to ways to ensure architectural compatibility and difference with the alternative bill. Councilmember Bredefeld commended staff and made a motion to adopt alternate Bill B-17, which was seconded by Councilmember Ronquillo who also commended staff.

Brief discussion ensued with Mr. Beach responding to additional questions of Councilmembers Boyajian and Quintero relative to difference between the two bills and reasons therefore, noise studies, **(3 - 0)** requirements for noise studies and costs, and vacuum companies and various models/products.

A substitute motion of Councilmember Boyajian, seconded by Acting President Mathys, to adopt Bill No. B-16 became the main motion, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	Ronquillo
Absent	:	None

On motion of Councilmember Boyajian, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Bill No. B-16 hereby adopted as Ordinance No. 99-16, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Steitz
Noes	:	Perea, Ronquillo
Absent	:	None

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RECESS - 10:26 A.M. - 10:38 A.M.

(10:30 A.M.) DISCUSS CITY POLICY REGARDING DEVELOPMENT)
OF THE URBAN RESERVE - COUNCILMEMBERS PEREA, BOYAJIAN,)
AND BREDEFELD)
1. DISCUSSION AND ADOPTION OF CITY POLICY REGARDING)
DEVELOPMENT OF PLANNED RESIDENTIAL, URBAN RESERVE AND)
SPHERE OF INFLUENCE AREAS - COUNCILMEMBER RONQUILLO)

Supervising Planner Beach identified the urban reserve area using a map to illustrate; advised of current applications filed and in progress for the area; and reviewed the current policy regarding development in the urban reserve. City Attorney Montoy clarified what was at issue this date, advised certain requirements would have to be undertaken prior to adoption of any new policy, and recommended Council listen to proceedings and give direction at the end.

Speaking in support of the construction/building industry and/or requesting Council reconsider action taken on 3/23/99, relative to the Cambridge Homes project were: Jeff Harris, Building Industry Association; Robert Maddux; Larry Walker, Walker Construction; Eric Johnson, Chamber of Commerce and Growth Alternative Alliance member; Deborah Nankivell; Jose Hernandez, 1307 Rossi; Greg Kirkpatrick, American Farmland Trust and Growth Alternative Alliance; Farid Assemi, 1396 W. Herndon, Past-President of the BIA; Kevin Castanos, Wathen-Castanos Construction; Ryan Howard; and Gary McDonald, 7120 N. Whitney, who submitted numerous questions in writing to the Council for response by staff. **(4 - 0)**

(11:15 A.M. AND 11:30 A.M. HEARINGS) President Steitz announced to those in attendance for the subject hearings that they would be heard after 2:00 p.m.

Continuing to speak to the issue were: Dee Boya, Nick De Bear, Inc.; Vic Roznovsky, 7545 N. Del Mar, Spano Enterprises; Terry DeGroot, Pacific Door, 7050 N. Harrison, who also submitted written material, copies of which are on file in the office of the City Clerk; Leo Wilson, 1234 W. Shaw; Ralph Strachan, real estate broker and developer; Joni Johnson, Fresno Neighborhood alliance, support for balanced growth and in-fill development; Darren Fadua, title company employee; Pat Ricchiuti, 2917 E. Shepherd, representing a farming family; Richard Strong, Woodward Lake resident; Terry Tuell; Larry Willey, Willey Tile; Robert Wood; and Dennis Woods.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the issue.

Councilmember Ronquillo briefly commented on the Cambridge Homes decision stating his concern was either Council be consistent with current policy or hold off until discussions are held on policy direction, *(Due to equipment malfunction, the following proceedings were not recorded--recording resumes later in the meeting)* and emphasized if Council wanted to move in the direction of slowing growth, all concerns should be heard in a broader basis. Mr. Beach and City Manager Reid responded to questions of Councilmember Ronquillo relative to opening of the urban reserve, development process, and new growth paying for itself.

Councilmember Boyajian explained reasons for his vote on the Cambridge project emphasizing his decision was not based on no-growth; stressed growth needed to be managed and the needs of the entire city needed to be looked at; noted Fresno was south of Shaw Avenue also; and stated he wanted a study on how much development was needed per year.

****An additional visiting class from Lincoln School was recognized and welcomed.**

Councilmember Perea stated he did not regret his vote on the Cambridge project; commented on the need for internal development and stressed his responsibility was to his district and to make sure every area of Fresno was livable and explained; commented on migration to the north; stated he would be asking staff to move beyond the Landscape of Choice document for action and engage the Urban Land Institute to undertake a study; and stressed the issue was how we grow as a healthy community.

Councilmember Quintero commented his family's involvement in the real estate/development industry; noted the many fine contributions made by developers to the community to improve the quality of life; and presented questions at length relative to the urban reserve, inner-city program, cost for future growth and responsibility for those costs, development in the Woodward Park area, studies relative to prime ag land, and development in the southeast area.

President Steitz stated Council consensus was needed on policy and/or direction emphasizing nine projects were currently ongoing in the area and people here needed to know Council's position. Councilmember Ronquillo made a motion to hold off on the issue at this time and direct staff to report back on questions presented this date. President Steitz made a motion to stay with the current policy of the past 15 years which was for planned residential growth. Ms. Montoy recommended staff be allowed to report back on questions presented and that Council set the issue of either affirming the current policy or initiating the process to change policy on an upcoming agenda, adding the process to change policy would take months.

Councilmember Bredefeld stated a number of valid issues and concerns had been raised this date; clarified his vote on the Cambridge Homes project was not to declare a moratorium or send a message to the BIA but was based on the project itself due adverse impacts and high ratings on the environmental checklist and elaborated; stated there was over-reaction to the decision; and stated he would continue to review each project closely in the future.

Acting President Mathys requested Council be sensitive and in the future, when important projects such as the Cambridge project are brought forth, that they be considered by a full Council stating it was unfair to send mixed signals; and relative to in-fill development, stressed the construction industry was doing a great job and listed projects in his district and city-wide.

discussion ensued whereupon Mr. Beach stated timelines would be included on mitigation measures which would give a clearer picture.

President Steitz directed staff to schedule the issue of affirming the current policy or initiating the process to change policy on April 20th at 2:00 p.m.

Councilmember Boyajian stated he wanted to know exactly what developers' responsibilities were and timelines, and hoped that information would be included in future staff reports. There was no further discussion.

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RECESS - 1:28 P.M. - 2:42 P.M.

(11:00 A.M. #2) HEARING ON PLAN AMENDMENT NO. A-98-017)
AND REZONING APPLICATION NO. R-98-024, FILED BY STORYBOOK)
HOMES, PROPERTY LOCATED AT 4645 E. JENSEN AVENUE)
1. RESOLUTION NO. 99-85 - AMENDING THE ROOSEVELT COM-)
MUNITY PLAN)
2. BILL NO. B-21 - ORDINANCE NO. 99-17 - AMENDING THE OFFICIAL)
ZONE MAP TO REZONE FROM R-3/UGM AND R-3-A/UGM TO C-1-EA/)
UGM AND C-M-EA/UGM/CZ)

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Beach briefly reviewed the staff report as submitted and recommended approval.

Scott Vincent, Architect, Storybook Homes, spoke in support of the project and responded to questions of Councilmember Quintero relative to Maple Avenue access, proposed use, and proposed zoning and use for the adjacent parcel. A motion and seconded to approve staff's recommendation was acted upon after brief discussion.

Recording resumes here: (7 - 0) Mr. Beach responded to questions of Councilmembers Perea and Bredefeld relative to non-compliance with the 1/6 mile access requirement, zoning of the adjacent parcel, and zoning of the property across the street and impact, if any. Councilmember Perea stated his preference for the adjacent parcel was residential zoning.

Upon call, no one else wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Quintero, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the negative declaration for Environmental Assessment No. A-98-17 hereby approved; the above entitled Resolution No. 99-85 adopted; and the above entitled Bill No. 21 adopted as Ordinance No. 99-17, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(11:15 A.M.) CONTINUED HEARING ON REZONING APPLICATION)
 NO. R-98-39, FILED BY TUTELIAN DEVELOPMENT, PROPERTY)
 LOCATED ON THE SOUTHWEST CORNER OF N. BLACKSTONE AND)
 W. NEES AVENUE)
1. BILL NO. B-22 - ORDINANCE NO. 99-18 - AMEND THE OFFICIAL)
ZONE MAP TO REZONE FROM C-1/UGM AND C-M/UGM/CZ TO)
C-2/UGM/CZ AND C-M/UGM/CZ, *AS AMENDED*)
(PLANNING COMMISSION RECOMMENDATION))
2. BILL - AMEND THE OFFICIAL ZONE MAP (*APPLICANT'S REQUEST*))

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Beach reviewed the staff report as submitted and recommended approval of the rezoning subject to the north-south street and a second point of access between the subject project and the project to the south. Mr. Beach distributed letters from Mr. Tutelian and Mr. Fairbank, representing DeWayne Zinkin, agreeing to joint access, copies of which are on file in the office of the City Clerk.

Speaking to the issue were: Dirk Poeschel, 2310 Tulare Street, on behalf of Tutelian Development, who advised they agreed to a north-south street, noted the outstanding issue related to the point of joint access and explained, and gave an overview of the site plan using a map to illustrate; Ed Berghold, representing 40 adjacent property owners in the adjacent Woodward Business Park, support; and Bruce O'Neil, representing Mr. Zinkin, 6273 N. Harris, support.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Acting President Mathys commented on importance of access and circulation, commended all parties for their efforts and reaching agreement, and made a motion to approve the Planning Commission's recommendation. Brief discussion ensued on the condition for joint access with Mr. Beach clarifying the condition was taken care of in the Tutelian and Zinkin site plans and everyone was in agreement.

Councilmember Ronquillo requested information on commercial space on a per capita basis stating as with residential development discussed earlier, commercial development also needed to be balanced, and commented on commercial flight to the north. Mr. Beach stated he would provide the requested information.

Mr. Beach responded to questions of Councilmember Perea at length relative to agreement of the two parties, process to deal with problems relative to joint access, type of shopping center clientele, traffic, circulation and comfort with mitigation measures, obligation of landowners to reinvest in older, existing sites and resulting northward growth, and process for factoring in economic and population components for commercial projects. Councilmember Ronquillo reiterated staff needed to look at balancing commercial development due to its negative impact on other areas of the city, with Councilmember Boyajian concurring on the need for that information.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No R-98-39, S-98-317, S-98-343 hereby approved; and the above entitled Bill No. B-22 adopted as Ordinance No. 99-18, as amended, removing Condition No. 4, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(11:30 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES)
DISTRICT NO. 2, ANNEXATION NO. 11 - TRACT NOS. 4431, 4514, 4826)
AND 4879)
1. RESOLUTION NO. 99-86 - ANNEXING TERRITORY TO CFD NO. 2)
AND AUTHORIZING THE LEVY OF A SPECIAL TAX)
2. RESOLUTION NO. 99-87 - CALLING A SPECIAL MAILED-BALLOT)
ELECTION)
3. RESOLUTION NO. 99-88 - DECLARING ELECTION RESULTS)
4. *BILL NO. B-23 - ORDINANCE NO. 99-19 - LEVYING A SPECIAL TAX)
FOR THE PROPERTY TAX YEAR 1999-2000 AND FUTURE TAX)
YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO.)
11, CITY OF FRESNO, CALIFORNIA)

President Steitz announced the time had arrived to consider the issue and opened the hearing.

City Design Engineer Kassabian reviewed the staff report as submitted, recommended adoption of the resolutions and ordinance bill, and responded to questions of Councilmembers Bredefeld and Ronquillo relative to status of meetings with developers relative to collection of fees for median island landscaping, property owner notification of services provided with collected fees, assessments, and approving individual tracts.

Upon call, no one wished to be heard and President Steitz closed the hearing.

Councilmember Bredefeld made a motion, seconded by Councilmember Perea, to approve Tract Nos. 4431 and 4514 only. Acting President Mathys made a motion to approve the remaining tracts, whereupon the following action was taken:

On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolutions Nos. 99-86, 99-87 and 99-88 hereby adopted; and the above entitled Bill No. B-23 adopted as Ordinance No. 99-19, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	Mathys
Absent	:	None

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(2:45 P.M.) *RESOLUTION NO. 99-89 - 83rd AMENDMENT TO)
AAR 98-159 APPROPRIATING \$5,500 FROM DISTRICT 2's GENERAL)
INFRASTRUCTURE CAPITAL BUDGET TO PAY A PORTION OF)
FEES FOR CONSTRUCTION OF A NEW BOY SCOUT BUILDING)
LOCATED AT 6005 N. TAMERA - ACTING PRESIDENT MATHYS)

Acting President Mathys reviewed the issue, thanked the property owners for donating land for the building and the Boy Scouts in general, and made a motion to adopt the resolution. **(8 - 0)**

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 99-89 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Robert Cardinal, President of the Sequoia Council of Boy Scouts, and Joe Dorsey commented on the issue and thanked Council.

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Acting President Mathys briefly left the meeting at 3:43 p.m.

(11:00 A.M. #1) CONTESTED CONSENT CALENDAR ITEMS:)

(1A-1) DIRECT STAFF TO WORK WITH THE TOWER DISTRICT FOR)
A TRAFFIC CALMING PROJECT ON VAN NESS AVENUE BETWEEN)
HEDGES AND FLORADORA AVENUES (DISCUSSED AGAIN LATER))

Public Works Director White advised in discussions with Mr. Keebler, they agreed to meet as needed to reach consensus and determine a cost estimate. Councilmember Bredefeld briefly left the meeting at 3:44 p.m. Upon question of Councilmember Boyajian, Mr. White clarified staff was not recommending stop signs or short-term, interim solutions but wanted to meet to reach agreement and report back. Upon request of Councilmember Boyajian, Traffic Engineer Esquivel explained the 85th percentile radar speed in the survey.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff directed to work the Tower District Specific Plan Implementation Committee to obtain cost estimates to convert Van Ness and Wishon Avenues to two-way streets between Divisadero and Shields Avenues, and to install stop signs at Van Ness and Floradora Avenues in the interim, by the following vote:

Ayes	:	Boyajian, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Bredefeld, Mathys

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(1A-3) AWARD REQUIREMENTS CONTRACT FOR MAINTENANCE)
AND CUSTODIAL SERVICES AT THE FULTON MALL)

(1A-7) AWARD A CONTRACT FOR APPLICATION OF SLURRY SEAL)
TO VARIOUS STREETS WITHIN THE CITY, SPRING 1999)

Acting President Mathys returned to the meeting at 3:49 p.m. Councilmember Quintero requested both items be tabled one week to have labor unions present and obtain their input, and made a motion to that effect. Brief discussion ensued. Parks & Recreation Analyst Milavich responded to questions on the current contract for Fulton Mall maintenance services. Councilmember Bredefeld returned to the meeting at 3:51 p.m. Brief discussion ensued and determination was made to separate the items.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Item 1A-3 continued one week, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(1A-7) AWARD A CONTRACT FOR APPLICATION OF SLURRY SEAL)
TO VARIOUS STREETS WITHIN THE CITY, SPRING 1999)

Councilmember Quintero requested the matter be continued one week. Streets Manager Dilley expressed concern with the delay citing timelines; advised there was no issue or conflict with the subject contract to his knowledge; and along with Purchasing Manager Taggart, responded to questions relative to short period of turn around time in awarding contracts. Ms. Taggart clarified the bidding period process and upon question, stated there was no problem on the part of Purchasing with a one week delay adding the problem was on the side of getting a "Notice to Proceed" issued, with Mr. Dilley explaining. Upon question of Councilmember Quintero, Mr. Dilley stated City street employees would work in supporting the contractor and reiterated no City employees would be displaced by the contract.

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, debate on the issue closed by unanimous consent.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, a contract hereby awarded to Graham Contractors, Inc. in the amount of \$473,547 for the Base Bid and Add-Alternates I & II to slurry seal various streets as part of the program to revitalize various streets within the City, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(1A-1) DIRECT STAFF TO WORK WITH THE TOWER DISTRICT FOR)
A TRAFFIC CALMING PROJECT ON VAN NESS AVENUE BETWEEN)
HEDGES AND FLORADORA AVENUES (*CONTINUED FROM EARLIER*))

Mr. Milton stated his support for converting Van Ness and Wishon to two way streets.

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(1A-13) DETERMINATION OF THE CANCELLATION FEE RELATED)
 TO THE PARTIAL CANCELLATION OF AGRICULTURAL LAND)
 CONTRACT NO. 8 FOR 4.97 ACRES, A PORTION OF THE CENTRAL)
 VALLEY BUSINESS PARK PROPOSED AT THE SOUTHWEST CORNER)
 OF E. NORTH AND S. ORANGE AVENUES)
1. RESOLUTION NO. 99-90 - DETERMINATION AND CERTIFICATION)
OF THE \$5,375 CANCELLATION FEE FOR THE CANCELLATION OF A)
PORTION OF AGRICULTURAL LAND CONSERVATION CONTRACT)
NO. 8 TO THE FRESNO COUNTY AUDITOR)

Upon request of Councilmember Bredefeld, Supervising Planner Beach clarified the issue. President Steitz briefly left the meeting at 4:06 p.m.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 99-90 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

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(3:00 P.M.) ADOPT RECOMMENDATIONS OF THE 1998-99 GRAND)
 JURY INTERIM REPORT NO. 1 RELATING TO THE MULTI-PURPOSE)
 DOWNTOWN STADIUM - PRESIDENT STEITZ AND ACTING PRESIDENT)
 MATHYS)
1. DISCUSSION AND DIRECTION TO STAFF RELATING TO STADIUM)
NEGOTIATIONS - PRESIDENT STEITZ)

President Steitz returned to the meeting at 4:07 p.m. Councilmember Perea requested he be allowed to read a statement into the record prior to proceedings and President Steitz outlined the procedure that would be followed. Councilmember Perea reiterated his request to be heard whereupon President Steitz ruled Councilmember Perea out of order. Upon request of Councilmember Perea for a consensus from Council on his request to speak, a Council majority supported President Steitz' ruling.

President Steitz reviewed the background of the issue stating two important issues were brought to light by the Grand Jury (GJ), those being (1) the City fronting \$8.5 million prior to construction of the stadium, and (2) the City being the first City in the history of the United States to place debt against a public asset for a private entity, and requested Council support and approve the Grand Jury's recommendations outlined in the staff report.

City Manager Reid outlined the issues and action being requested this date; reviewed the process of responding to GJ reports; read the GJ's recommendations and responses from staff; stated his integrity and intentions had been attacked by supporters of the Diamond Group and some Councilmembers and now a City staff member was being attacked and felt that was regretful; reiterated a year ago professional city staff advised Council the Community Plan proposal was highly risky and not commercially viable noting it took the Diamond Group seven months to admit the deal could not be done; and reviewed the history and status of the issue.

Controller Souza reviewed the background of the issue of collateral for the bonds; stated encumbering tax increment would require an independent action by the Agency and not the City and advised the only option left for the balance or all of the funding would be encumbering public assets; read to Council the Standard and Poors public finance criteria for lease obligations; reviewed the public assets which could be used (**9 - 0**); distributed a list of assets and vacant land owned by the City, a copy of which was submitted for the record and is on file in the office of the City Clerk; reviewed three specific parcels he felt warranted discussion; and concluded commenting on obtaining the most effective financing possible.

Referencing comments made by the City Manager, City Attorney Montoy clarified she had no involvement in a press release just submitted to Council nor was she involved in any negotiations this date wherein a deal was struck with ACA; noted a letter received from ACA dealing with the two outstanding issues since early March indicated some progress had been made; and requested, since the letter had not been reviewed by the City's legal outside counsel or negotiators, all parties be given the opportunity to review the letter and address the Council on ACA's letter and on the GJ's report before taking any action. President Steitz expressed his concern with the City Attorney's recommendation for a delay and her concerns with the GJ's report and explained.

Barbara Hunt spoke to the issue. Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

President Steitz left the meeting at 4:38 p.m. Councilmember Perea commented on the matter; stated he appreciated the GJ's work but they did not have all the correct information; reviewed the various proposals put together over the years and relative to the equity issue, emphasized everyone knew all along what the assets were; and urged Council to stay on course, let the deal go through the process, and allow staff to do their work and move the paperwork forward.

Councilmember Ronquillo commented on the issue emphasizing the merits had been debated for a number of years; stated the GJ report was being used as leverage in negotiations; noted the Mayor was at one time willing to give \$9 million for the stadium and questioned the difference at this time; stressed revenue was available and should be committed, citing new revenues from Club One; and commented on the City's administration continuing to fight decisions made by an overwhelming majority of the Council and made a motion that the GJ investigate whether the Mayor and City Manager were in compliance with the Charter, which was to follow direction and policy set by Council, which motion was seconded by Councilmember Perea and ruled out of order by the City Attorney.

Upon question of Acting President Mathys, Mr. Souza stated if the parks, fire stations and police stations were eliminated as sources of collateral, there would not be much left to cover the City's \$10 million contribution, therefore a group of assets, including either parks, fire stations or police stations, would have to be used. Acting President Mathys stated for that reason he would continue to oppose the deal and would only support a publicly owned stadium approved by the voters.

Mr. Souza responded to questions of Councilmember Bredefeld relative to information given to the GJ, forgiving unpaid funds at the end of 30 years, the proposal and transaction discussed in 1996 for a \$9 million City contribution and assets that would have been encumbered, encumbering the Blosser property for \$2 million, Blosser settlement payments from the general fund, and staff's ability to find \$3 to \$4 million from the general fund if Council so directed. Fire Chief Smith responded to additional questions of Councilmember Bredefeld relative to impact to the fire department budget if stations were used as collateral, and if the City Manager asked the Chief to hold the recent press conference on using fire stations as collateral.

(10 - 0) Councilmember Bredefeld stated he believed the role and responsibility of Council was to enrich the community; felt the stadium would enrich the community and was a wise investment; stressed the city had been dormant over the past 30 years due to lack of leadership; noted other wise investments had been made referencing the \$12 million in land given to the GAP, Inc. and \$5 million for the southwest Fresno shopping center; emphasized the stadium had become a political issue and explained; reviewed each GJ recommendation and stated they were all being addressed; and stated he had tremendous respect for the GJ and their work but unfortunately they unintentionally got misleading information which scared a lot of people adding that was very, very unfortunate.

Acting President Mathys questioned the result if the City borrowed against police and fire stations and the debt was not paid, with Ms. Montoy stating she would provide the answer in greater detail in her return report with the City's outside attorneys, and advised usually bond documents could be structured in a way so that those types of assets are never touched and explained. Acting President Mathys stated the bottom line was if the City borrowed money, taxpayers were responsible for paying it back.

Public testimony was reopened. Jonathan Aroz spoke in opposition to the using taxpayer funds for the stadium. President Steitz returned to the meeting at 5:18 p.m. Newel Brown spoke in support of the stadium emphasizing this would be investment in crime prevention, the community, and our youth.

Councilmember Boyajian stated he too was stunned by the GJ's statement that the City's overwhelming issue was that public funding would be for the "enrichment of a private entity" emphasizing he was not here to make the Diamond Group rich; stressed the multiplying factor of the stadium would be incredible and explained; and stated the City needed to accentuate the positive and help make the stadium work, and urged staff be allowed to implement Council's decision.

Mr. Reid apologized to the City Attorney for his misunderstanding of the press release wording; stressed he did not believe the GJ was misled unintentionally or intentionally; stated the fire station issue came to light when the Mayor read the GJ report; noted relative to forgiving unpaid balance after 30 years, that was and continued to be his understanding and explained; emphasized the City's contribution would be a grant and not a loan and that the issue was no closer today than it was one year ago; and responded to Councilmember Bredefeld's comments on the GJ recommendations.

President Steitz made a motion, seconded by Acting President Mathys, to support and approve staff's response to the Grand Jury recommendations.

Stating in light of discussion this date and information received from ACA allowing the issue to move forward, Councilmember Perea made a substitute motion. President Steitz stated the substitute motion to table would thus deny the GJ's report

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff directed to continue with Council's direction of December 1, 1998, and the Grand Jury report hereby tabled, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Ronquillo
Noes	:	Mathys, Steitz
Absent	:	None
Abstain	:	Quintero

(5D) DIRECT CITY MANAGER OR DESIGNEE TO PROVIDE A REPORT)
 COMPRISED OF A COMPREHENSIVE LIST OF ALL CITY-OWNED)
 PROPERTY, LAND, AND ASSETS; THE REPORT TO INCLUDE A)
 NOTATION AS TO WHETHER EACH LISTED ITEM HAS BEEN)
 ENCUMBERED OR PLEDGED; IF THE ITEM HAS NOT BEEN)
 PLEDGED OR ENCUMBERED, AN INDICATION AS TO WHETHER)
 THE ITEM MAY BE PLEDGED OR ENCUMBERED AND IF NOT, THE)
 BASIS AS TO WHY IT MAY NOT - COUNCILMEMBERS BREDEFELD)
 AND BOYAJIAN)

Acknowledging a majority of the requested information had been received, Councilmember Bredefeld requested information on the basis or rationale on whether property might or might not be pledged, with Controller Souza stating staff would report back.

Upon question of Councilmember Quintero relative to the downtown stadium, City Attorney Montoy clarified staff would continue to work from the direction given December 1st; advised if something changed from the approved deal points she would have bring the issue back to Council for direction; noted the Mayor's Office had asked questions and requested if Council had any to submit them to her office and she respond in her report back on the new information and added at that time a determination would be made on whether to proceed with the prior direction or request further direction.

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(5A) REQUEST FOR REPORT DELINEATING ALL VACANT CITY)
 POSITIONS AND SOURCES OF FUND - COUNCILMEMBER PEREA)

Director of Administrative Services Souza advised the list was transmitted to Council on April 5th as a tray memo. Upon request of Councilmember Perea, Mr. Souza stated would provide updated lists on a bi-weekly basis. Acting President Mathys and Councilmember Bredefeld left at 5:47 p.m. and were absent for the remainder of the meeting.

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(5B) REQUEST COUNCIL SET APPEAL HEARING FOR 4/20/99, AT)
 9:45 A.M. ON PLANNING COMMISSION'S APPROVAL OF TWO)
 VARIANCES FOR ORNAMENTAL SECURITY FENCES LOCATED AT)
 310 AND 320 N. FULTON STREET - COUNCILMEMBER RONQUILLO)

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, an appeal hearing on the Planning Commission's action relative to two variances for ornamental security fences at 310 and 320 Fulton Street set for April 20th at 9:45 a.m., by the following vote:

Ayes	:	Boyajian, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Bredefeld, Mathys

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(5C) *RESOLUTION NO. 99-91 - 81ST AMENDMENT TO AAR 98-159)
APPROPRIATING \$3,000 FROM DISTRICT 7's GENERAL INFRA-)
STRUCTURE CAPITAL BUDGET TO PROVIDE SUPPLIES FOR THE)
MANCHESTER SENIORS CLUB - COUNCILMEMBER PEREA)

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 99-91 hereby adopted by the following vote:

Ayes : Boyajian, Perea, Quintero, Ronquillo, Steitz
 Noes : None
 Absent : Bredefeld, Mathys

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(5E) AUTHORIZE THREE COUNCILMEMBERS TO ATTEND THE)
FRESNO CONVENTION CENTER EXPANSION PROJECT PROMO-)
TIONAL EVENT SPONSORED BY THE FRESNO CONVENTION AND)
VISITORS BUREAU, SET FOR 4/15/, 99, IN SACRAMENTO - COUNCIL-)
MEMBER QUINTERO)

Councilmember Quintero noted a memo from the City Attorney relative to the number of members attending and the Brown Act, and airline arrangements; advised as the City's representative on the Convention and Visitors Bureau, he would be unable to attend; and questioned if other members were interested. President Steitz stated he saw no conflict with the Brown Act if more than 3 members attended, respectfully disagreed with the City Attorney's opinion, and invited any member to attend stating he would pay costs from his district's budget. City Attorney Montoy clarified why she felt it would be impermissible for more than 3 members to attend. Councilmember Ronquillo and President Steitz stated they would be attending, and no action was taken.

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(5F) DIRECT THE CITY MANAGER OR DESIGNEE TO PROVIDE AN)
ESTIMATE FOR SOIL TREATMENT FOR THE SOFTBALL FIELD IN)
THE NORTHWEST SECTION OF HOMAN PARK - ACTING PRESIDENT)
MATHYS)

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the City Manager directed to provide an estimate for soil treatment for the softball field in the northwest section of Homan Park, by the following vote:

Ayes : Boyajian, Perea, Quintero, Ronquillo, Steitz
 Noes : None
 Absent : Bredefeld, Mathys

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CLOSED SESSION:

(7A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED)
 LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION)
 (B) - SIGNIFICANT EXPOSURE TO LITIGATION: PEPPER V. COF)

Laid over one week.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:57 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this _____ day of _____ 1999.

 Ken Steitz, Council President

ATTEST: _____
 Yolanda Salazar, Assistant City Clerk

